

APPEAL NO. 040717  
FILED MAY 24, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 9, 2004. The hearing officer determined that: (1) the respondent (claimant) sustained a compensable injury on \_\_\_\_\_; and (2) the claimant had disability from August 8, 2002, through the present. The appellant (carrier) appeals these determinations, arguing that the evidence does not establish a nexus between the claimant's employment and the injury. The carrier relies upon Texas Workers' Compensation Commission Appeal No. 972235, decided December 17, 1997. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

As stated above, the carrier cites Appeal No. 972235, *supra*, in support of its position that the claimant's injury is not compensable. We note that in Texas Workers' Compensation Commission Appeal No. 990252, decided March 25, 1999, the continuing viability of Appeal No. 972235, *supra*, was called into question. See *also* Texas Workers' Compensation Commission Appeal No. 020625, decided April 18, 2002; Texas Workers' Compensation Commission Appeal No. 002852, decided January 17, 2001, and cases cited therein.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge